






LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

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**Institutional Effectiveness of the Integrated Law Enforcement Center in Handling
Election Crimes in West Nusa Tenggara Province**

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ABSTRACT

The existence of the Gakkumdu Center as a coordination forum between Bawaslu, the Police, and the Prosecutor's Office has raised issues regarding Bawaslu's independence in election law enforcement. Article 22E paragraph (5) of the 1945 Constitution emphasizes Bawaslu's independent nature; however, in practice, Bawaslu's authority is limited and dependent on other institutions, leading to fragmented authority, weak synergy, and delayed handling of cases, which impacts the effectiveness and public trust in the electoral process. This study employs a normative-empirical legal approach, examining the applicable legal norms and their implementation in practice. Data was collected through document study, interviews with five informants from Bawaslu, the Police, and the Prosecutor's Office in NTB, as well as observations and case studies, followed by qualitative analysis. The structure of the writing consists of five chapters addressing the existence, effectiveness, and legal reconstruction of institutionalized election law enforcement. The findings indicate that the Gakkumdu Center plays a strategic role in integrating the handling of electoral violations, yet its effectiveness is hampered by weak coordination and overlapping authority. Normatively, the provisions in Law No. 7 of 2017 contradict the principle of independence in Article 22E paragraph (5) of the 1945 Constitution. Therefore, legal reconstruction is necessary, positioning Bawaslu as an independent election law enforcement agency with its own authority for investigation and prosecution, ensuring the integrity of democracy and accountability in elections.

Keywords: Institutional Effectiveness, General Election, Gakkumdu Center, Election Organizers

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1. INTRODUCTION

In political philosophy, humans are portrayed as creatures that have a natural desire for power. Thomas Hobbes explains that it arises from the basic instinct to survive and control the environment around them. Power for humans is not only a means of self-defense, but also a tool to ensure domination, control, and recognition of their existence in society. In the political context, elections become a legal field that allows individuals or groups to pursue power openly and legally. However, ambitious human nature often makes this process distorted by practices that are contrary to morality and justice. Hobbes states that in the absence of strong rules, humans will tend to follow their selfish instincts, which can trigger fraudulent behavior in order to achieve their political goals (Hobbes, 2008).

This thinking is in line with Niccolò's view, which asserts that human ambition for power often leads them to ignore moral norms. Machiavelli even suggested that in order to maintain power, a leader must be prepared to use all means, including manipulation and cheating, as long as the ultimate goal is achieved (Machiavelli, 1532). In the context of elections, this view is relevant because intense political competition often tempts participants to take shortcuts to achieve victory. This desire for power becomes greater when power is seen as an entry point to access resources and influence, which can strengthen their position in the social structure.

In addition, Friedrich Nietzsche explained that the human will to power (*der Wille zur Macht*) is the fundamental drive underlying their actions. Nietzsche saw power as the highest expression of man's will to overcome his limitations and confirm his existence in history. In the context of elections, this will to power often overrides morality, especially when individuals or groups feel that losing will threaten their survival in politics (Nietzsche, 1888).

Elections as a democratic mechanism provide an opportunity for anyone to gain power legitimately. However, this opportunity not only attracts individuals who have

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noble visions and missions, but also those who only pursue power for personal or group interests. This raises the potential for electoral fraud. Philosophically, this fraud can be seen as the result of a combination of human nature, social structural inequality, and the weakness of law enforcement institutions.

Electoral fraud often occurs due to a combination of an individual's desire for power, the weakness of the political system, and the pragmatic culture that develops in society. Pierre Bourdieu, in his theory of *capital*, explains that the inequality of resources in society is one of the roots of the problem. Those who have *economic capital* (wealth) and *social capital* (networks) tend to dominate the political process, including elections. This inequality creates unequal political dynamics, where wealth and influence become the determining factors of victory, replacing idea-based competition (Bourdieu, 1986). In Indonesia, the practice of money politics is a clear example of this phenomenon, where voters are often tempted to exchange their votes for material rewards.

From an institutional perspective, Douglass North in *Institutions, Institutional Change, and Economic Performance* states that *institutional* weakness is the main cause of human opportunistic behavior. Institutions such as election oversight bodies or the judicial system are supposed to be the main barriers to fraud. However, when these institutions are weak or not independent, the opportunity to commit fraud is greater (North, 1990). *Transparency International* (2020) notes that countries with high corruption perception indices, such as Indonesia, often have systemic weaknesses in electoral oversight, allowing for various forms of manipulation (Transparency International, 2020).

Historically, the legacy of Indonesia's political culture has also contributed to the prevalence of electoral fraud. During the New Order era, elections were more often used as a means of legitimizing power rather than a democratic mechanism. R. William Liddle in *Elections in New Order Indonesia* describes how the practice of administrative

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manipulation, bureaucratic co-optation and voter intimidation became the main strategies to maintain power (William, 1996). Although the reform era has brought significant changes, remnants of this authoritarian political culture are still visible in the practice of money politics, manipulation of voter data, and other administrative fraud.

Electoral fraud is the result of the human drive for power, combined with social inequality, institutional weaknesses and a pragmatic political culture. Addressing this problem requires a holistic approach that involves strengthening law enforcement institutions, establishing a healthy political culture, and empowering people to understand the importance of clean and fair elections. This approach should be based on a philosophical understanding of human nature, social structure and the importance of strict regulation.

In an effort to maintain the integrity of elections as a democratic mechanism, the presence of the Election Supervisory Body (Bawaslu) in Indonesia has a fundamental role as a law enforcer of democracy. Philosophically, the establishment of Bawaslu is rooted in the concept of the *rule of law*, as described by Dicey in *Introduction to the Study of the Law of the Constitution*, that the law must be the main controller in the exercise of power, including in electoral mechanisms (Dicey, 1885). Bawaslu is tasked with ensuring that the electoral process runs in accordance with the principles of justice, openness, and obedience to the law. In practice, Bawaslu is at the forefront of monitoring various forms of violations, including administrative, ethical, and electoral criminal offenses. This makes Bawaslu not only a supervisory institution, but also a law enforcer of democracy that aims to protect the people's voice as the core of democratic sovereignty (General Election Commission, 2019a).

To optimize the law enforcement function, the presence of the Integrated Law Enforcement Center (Gakkumdu) is informed to be the answer to the complexity of election crimes. The Gakkumdu Center is a forum for collaboration between Bawaslu, the Police and the Prosecutor's Office in handling election criminal violations in a fast,

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precise and integrated manner. Its philosophy is rooted in the progressive legal approach as described by Satjipto Rahardjo, which states that the law is not only seen as a formal rule but must also be able to solve substantive problems that arise in society (Rahardjo, 2009). In this case, the Sentra Gakkumdu acts as a law enforcement mechanism oriented towards substantive justice, ensuring that election violations are not only sanctioned but also provide a significant deterrent effect for the perpetrators.

Although the law has mandated the establishment of the Integrated Law Enforcement Center (Gakkumdu) as a law enforcement unit in handling electoral crimes, in fact it still faces various institutional problems that affect its effectiveness in handling electoral crimes. One of the fundamental problems is the approach used by law enforcement officials, such as the police and prosecutors, who tend to stick to the mechanisms of the Criminal Procedure Code (KUHAP). This approach is often inadequate to deal with the complexity of electoral crimes that are special in nature and require progressivity in handling (General Election Commission, 2019b). For example, the evidentiary process in electoral crimes is often faced with tight deadlines, while KUHAP favors lengthy formal procedures. This results in many electoral criminal cases being stalled because they do not meet the formal and material elements, even though the substantive facts showing the violation are clear (Bawaslu RI, 2020a).

According to Jimly Asshiddiqie, election crimes have different characteristics from general crimes because they are administrative in nature (Asshiddiqie, 2005). This means that election offenses are often rooted in violations of administrative rules that require a progressive legal approach to achieve substantive justice. However, this view has not been fully understood by law enforcement officials in the Gakkumdu Center. For example, in the 2019 General Election, of the 590 reports of alleged election crimes handled by Gakkumdu, only around 40% were successfully continued to court proceedings, while the rest were terminated because they were deemed not to meet the criminal elements (Bawaslu RI, 2020b). This situation reflects the different perceptions

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between Bawaslu, police, and prosecutors regarding the elements of the offense that must be fulfilled.

This overly rigid procedural approach not only hampers law enforcement, but also reduces public trust in the Gakkumdu Center. Theoretically, this issue can be analyzed using Satjipto Rahardjo's progressive legal perspective, which emphasizes that the law must be able to adapt to the needs of society and not only be fixated on the text of the rules (Rahardjo, 2009). In the context of electoral crimes, progressive law requires law enforcement officials to look at the substance of the offense, including its impact on democracy, rather than simply focusing on procedural formalities. However, the inability of officials to understand this approach often makes the handling of electoral crimes less than optimal.

In addition, the Sentra Gakkumdu institution also faces complex coordination issues. As an integrated institution involving three institutions, namely Bawaslu, the Police and the Prosecutor's Office, differences in work culture and priorities between institutions often trigger friction in the case handling process (Transparency International Indonesia, 2020). For example, Bawaslu often urges quick resolution of cases to meet election deadlines, but police and prosecutors tend to take longer to gather evidence and request expert testimony that meets KUHAP standards. As a result, many cases end up without substantive resolution, which ultimately harms overall electoral law enforcement efforts.

Institutionally, this issue also shows the weakness of the regulatory aspect and the lack of capacity building for law enforcement officials in the Sentra Gakkumdu. Research from *Transparency International Indonesia* shows that one of the factors inhibiting the effectiveness of the Sentra Gakkumdu is the low understanding of law enforcement officials about the special characteristics of election crimes (Transparency International Indonesia, 2020).

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In addition, a more substantive problem in the electoral legal system in Indonesia is the incompatibility between the existence of the Integrated Law Enforcement Center (Gakkumdu) and the principle of independence stipulated in Article 22E Paragraph 5 of the 1945 Constitution. The article affirms that elections are organized by a national, permanent, and independent electoral commission. However, the existence of Gakkumdu, which involves collaboration between Bawaslu, the Police, and the Attorney's Office in handling election crimes, can be considered contrary to the principle of independence of election organizers. Because, in this case, Gakkumdu is considered as an institution that has the same authority as Bawaslu in handling election crimes, especially in terms of law enforcement related to election violations.

Philosophically, the principle of independence in Article 22E Paragraph 5 of the 1945 Constitution implies that election organizers, in this case Bawaslu, must be free from influence or pressure from any party, be it from the government, political parties, or other institutions. This philosophy is also reflected in Hans Kelsen's thinking about the theory of *purposive legal order*, which states that the existence of state institutions must have a clear and independent purpose in order to carry out their functions and duties without interference (Kelsen, 1967). In this context, the existence of Gakkumdu involving other law enforcement agencies has the potential to undermine Bawaslu's independence in organizing free and fair elections.

From a constitutional law perspective, this discrepancy can be analyzed using the separation of powers theory proposed by Montesquieu (Montesquieu, 1949). In this theory, the division of power between the executive, legislative and judiciary is to prevent the concentration of power in one institution. When the Gakkumdu is formed as an institution that involves law enforcement officials in handling election violations, this can be considered a merger of power between Bawaslu and law enforcement agencies, which has the potential to reduce the effectiveness of Bawaslu's independence in organizing elections. The existence of Gakkumdu can be seen as a form of intervention

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from other institutions into Bawaslu's functions, which is contrary to the principle of separation of powers in the Indonesian constitutional system.

Empirically, the existence of Gakkumdu raises problems of coordination and conflicts of authority between the institutions involved. In many cases, Bawaslu as an election supervisor often confronts the Police and the Prosecutor's Office regarding law enforcement against violations committed by election participants. For example, in the case of money politics, despite strong indications, the Police, the Attorney General's Office and Bawaslu are often not in line in determining whether a violation should be further processed through legal channels or simply handled with administrative sanctions. Data from Bawaslu in the 2019 General Election noted that of the 140 reported cases of money politics, only 45% were eventually forwarded to court, largely due to disagreements between Bawaslu and the Police and the Prosecutor's Office on whether the violation met the criminal elements (Bawaslu RI, 2020a).

By looking at these problems, it can be concluded that the incompatibility between the Gakkumdu and the principle of Bawaslu's independence in Article 22E Paragraph 5 of the 1945 Constitution needs serious attention in the study of constitutional law. A more progressive and flexible legal approach, as exemplified by Georg Jellinek's *jurisprudence of interests* theory, which emphasizes the importance of balancing public interests with existing legal principles, can be a way out of this problem (Jellinek, 1964). More in-depth thinking is needed on how to maintain Bawaslu's independence while strengthening its law enforcement role in elections without compromising the basic principles of democracy enshrined in the 1945 Constitution.

West Nusa Tenggara Province was chosen as the research location because West Nusa Tenggara Province (NTB) is categorized as a vulnerable area in the 2024 General and Regional Elections. This is in line with the records of the Indonesian National Police, which placed NTB in the list of eight provinces that have a high level of vulnerability. This province along with several other provinces, such as NTT, East Java,

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and South Sulawesi, are predicted to face major challenges in organizing the 2024 elections and regional elections.

Table1. Order of Vulnerability Mapping in the Campaign Stages of General Elections and Regional Head Elections in Provinces throughout Indonesia in 2024

NO	PROVINCE	BOBOT CAMPAIGN SCORE
1	NUSA TENGGARA TIMUR	25,86
2	SOUTH SULAWESI	25,86
3	EAST JAVA	25,86
4	EAST KALIMANTAN	21,48
5	CENTRAL JAVA	21,48
6	NUSA TENGGARA BARAT	21,48
7	WEST JAVA	21,29
8	CENTRAL SULAWESI	16,92
9	WEST SULAWESI	16,92
10	RIAU	16,92
11	WEST PAPUA	13,12
12	ACEH	12,93
13	SOUTHEAST SULAWESI	12,93
14	WEST KALIMANTAN	12,93
15	MALUKU	12,74
16	LAMPUNG	12,74
17	HEADQUARTERS OF RIAU	12,36
18	SOUTH KALIMANTAN	12,36
19	BANTEN	12,36
20	JAMBI	12,36
21	DKI JAKARTA	8,94
22	CENTRAL PAPUA	8,94
23	SOUTHWEST PAPUA	8,94
24	SOUTH SUMATRA	8,37
25	GORONTALO	8,37
26	WEST SUMATERA	8,37
27	NORTHERN SUMATERA	8,37
28	NORTH SULAWESI	8,37
29	BALI	8,37
30	BANGKA BELITUNG	7,98

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	ARCHIPELAGO	
31	PAPUA	4,56
32	NORTHERN KALIMANTAN	4,37
33	BENGKULU	3,99
34	PAPUA MOUNTAINS	3,99
35	NORTH MALUKU	0,00
36	SOUTH PAPUA	0,00
37	CENTRAL KALIMANTAN	0,00

(Source: Election and Regional Head Election Vulnerability Index in 2024 (Bawaslu RI))

A more in-depth analysis shows that districts/cities in NTB that have a high level of vulnerability include Central Lombok Regency, Bima Regency, and Bima City. This vulnerability includes several important aspects, such as nominations that are prone to money politics, manipulation of voter data, campaign violations involving the spread of hoaxes, and potential manipulation in the vote counting process (Bawaslu RI, 2024).

Table2 . Analysis of Vulnerability Mapping in General Elections and Regional Head Elections in 2024 in Districts / Cities in West Nusa Tenggara Province with Stage Indicators

DISTRICT/CITY	SOCIO-POLITICAL SCORE WEIGHT	NOMINATION SCORE WEIGHT	CAMP AIGN SCORE WEIG HT	WEIGHTE D PICK SCORE	TOTAL SCORE WEIGHT	VULNERABILIT Y CATEGORY
CENTRAL LOMBOK DISTRICT	8,28	9,47	0	15,2	32,95	HIGH
BIMA DISTRICT	0	6,12	14	7,7	27,82	HIGH
BIMA CITY	0	6,51	13,8	7,5	27,81	HIGH
CITY OF MATARAM	0	6,71	4,73	7,5	18,94	MEDIUM
EAST LOMBOK DISTRICT	0	2,96	0	15,2	18,16	MEDIUM
SUMBAWA DISTRICT	0	2,96	0	15,2	18,16	MEDIUM

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NORTH LOMBOK DISTRICT	0	2,96	0	7,5	10,46	MEDIUM
WEST SUMBAWA DISTRICT	3,55	6,12	0	0	9,67	MEDIUM
WEST LOMBOK DISTRICT	0	0	0	7,7	7,7	MEDIUM
DOMPU DISTRICT	0	2,96	0	4,34	7,3	MEDIUM

Source: Election and Pilkada Vulnerability Index of Bawaslu RI (quoted from data from the Public Relations of Bawaslu West Nusa Tenggara Province)

Departing from these problems, the researcher is interested in conducting research on "The Institutional Effectiveness of the Integrated Law Enforcement Center in Handling Election Crimes in West Nusa Tenggara Province". This research will look empirically at how the implementation of the Sentra Gakkumdu task, especially in West Nusa Tenggara Province in the 2024 elections and regional elections.

2. RESEARCH METHODS

This research uses normative-empirical legal research. Normative-empirical legal research is a research approach that combines normative and empirical aspects in analyzing a legal phenomenon. This approach aims to provide a more comprehensive understanding by examining applicable legal norms and seeing how they are applied in practice in the field. Normative data is obtained through literature studies which include laws and regulations, such as Law Number 7 of 2017, Law Number 8 of 1981 concerning Criminal Procedure Code, and Bawaslu Regulations relating to Violation Handling and Sentra Gakkumdu. Then also *incracht* court decisions, including decisions of the Constitutional Court related to amendments to Law Number 7 of 2017 and related to the General Election Results Dispute. while empirical data is collected through observation or interviews with parties involved in legal practice. Thus, this research seeks to produce a more in-depth and relevant analysis of the legal issues studied.

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3. DISCUSSION

Effectiveness of Sentra Gakkumdu in Handling Criminal Acts of General Elections and Head Elections

Election law enforcement in Indonesia still faces various challenges, one of which is the effectiveness of the Integrated Law Enforcement Center (Gakkumdu) in handling election crimes. Based on the experience of the 2024 General Elections and Pilkada, especially in West Nusa Tenggara (NTB), based on discussions related to the implementation of the handling of election crimes in NTB Province and in Regencies/Cities throughout NTB Province, many cases of alleged election crimes cannot be processed further on the grounds that they do not meet the elements or are considered not to cause consequences. In fact, in many cases, there are strong indications of violations that have the potential to disrupt the integrity of elections. The decision not to proceed with the case was largely determined by the results of discussions at the Gakkumdu Center, which consists of elements of Bawaslu, the Police and the Prosecutor's Office. This fact raises questions about the effectiveness of the Sentra Gakkumdu in enforcing election law in a firm, fair and independent manner.

In the context of institutional effectiveness theory, the effectiveness of a legal institution can be measured by its ability to carry out the duties and authorities granted by regulation, as well as its impact on the legal system and society as a whole. According to Soerjono Soekanto, legal effectiveness is influenced by five main factors: legal substance, legal structure, legal culture, facilities and infrastructure, and society as a legal subject (Soekanto, 2011). If analyzed using this approach, Sentra Gakkumdu faces problems in several aspects. In terms of legal substance, the Gakkumdu working mechanism, which requires an agreement from three elements (Bawaslu, the Police, and the Prosecutor's Office) before a case can advance to the investigation stage, often becomes an obstacle in election law enforcement. In many cases, disagreements

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between elements in the Gakkumdu Center have caused cases that should have been followed up to be stopped at an early stage.

From a legal structure perspective, the existence of three institutions in one law enforcement forum creates a complex bureaucracy, where each institution has different perspectives and standards in assessing an alleged violation. This results in disagreements that can ultimately hinder the legal process. Based on research conducted by Siti Rohmah (2021) in her journal on the effectiveness of Sentra Gakkumdu in handling election crimes, it was found that most of the cases handled by Sentra Gakkumdu did not continue to the prosecution stage due to differences in legal interpretation between the elements involved (Rohmah, 2021). This shows that inter-agency coordination within the Sentra Gakkumdu does not run optimally and often becomes a barrier to law enforcement.

From the legal culture aspect, the effectiveness of the Sentra Gakkumdu is also influenced by the commitment of each element to truly enforce the law without political intervention. A study conducted by Feri Amsari shows that in many cases, political interest factors and external pressure can influence decisions taken by elements of the Police and Prosecutors' Office in the Gakkumdu Center (Amsari, 2020). This leads to unobjective discretion, where certain cases may be stopped due to political considerations, not because there are not enough elements of violation.

In addition, in the perspective of institutional effectiveness theory in social theory, according to James Q. Wilson, an institution can be said to be effective if it has clear authority, non-overlapping authority, and a fast and efficient decision-making mechanism (Wilson, 1989). Sentra Gakkumdu in practice shows weakness in this aspect, because the authority spread across three institutions often results in a tug of interest and slows down the legal process. As a result, many cases cannot be resolved within the time limit set in the Election Law and Pilkada Law.

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Regarding the effectiveness of the Sentra Gakkumdu in handling election crimes, the author has also conducted interviews with the Coordinator of the Violation Handling and Information Data Division of Bawaslu NTB Province, Umar Achmad Seth, S.H., M.H, the Coordinator of the Violation Handling and Information Data Division of Bawaslu Bima Regency, M. Taufiqurrahman, S.H., M.H, Coordinator of the Violation Handling and Information Data Division of the Central Lombok District Bawaslu, Abdul Muis, Coordinator of the Violation Handling and Dispute Resolution Division of the North Lombok District Bawaslu, Dr. Suliadi, and Coordinator of the Violation Handling and Information Data Division of the Dompu District Bawaslu, Syafruddin.

According to an interview with Mr. Umar Achmad Seth, as the Coordinator of the Violation Handling Division, Data and Information of Bawaslu NTB Province, the Gakkumdu Center in NTB Province during the 2024 General Elections and Pilkada has not been fully effective in handling election crimes. Although there are coordination efforts between Bawaslu, the Police, and the Prosecutor's Office, the main challenge faced is the difference in interpretation of election crimes and the procedures applied by each institution. This has led to delays in case handling and a lack of understanding in the application of the law. In addition, the limited time given to resolve cases-7 days for initial resolution and 7 additional days-often results in rushed and suboptimal handling. In many cases, the process of gathering evidence and examining witnesses is hampered by time constraints, as well as obstacles in the field that make evidence incomplete or insufficient to support a criminal case.

The quality of evidence in electoral crime cases is also a major challenge, with some cases not being followed up due to a lack of clear evidence or difficulties in presenting witnesses. Many witnesses are reluctant to give testimony for fear of intimidation or threats, further exacerbating the situation. In addition, there are some cases that have the potential to be electoral crimes but cannot be followed up due to regulatory or technical constraints. For example, administrative violations that actually

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fulfill criminal elements are constrained by ambiguous legal provisions or inconsistencies with applicable regulations, so they cannot be processed further.

The level of compliance and responsiveness of election participants to the legal process run by the Gakkumdu Center is also quite low. Many electoral participants felt that the legal process was unfair or ineffective, so they tended to ignore or delay compliance with the decisions made. This indicates a lack of trust in the existing electoral legal system. On the other hand, while the role of the public in reporting suspected electoral crimes is important, the quality of reports received by the Sentra Gakkumdu is often inadequate. Many reports are not accompanied by sufficient evidence or clear information, which complicates the further investigation process. In addition, the public also tends to be reluctant to report, especially if the case involves strong political actors.

At the district/city level, there are significant differences in the effectiveness of handling electoral crimes. Factors causing these differences include the limitations of competent human resources (HR), both in terms of number and quality, as well as the lack of adequate facilities and support to carry out these tasks. Some regions that have these limitations tend to be less optimal in resolving cases, while other regions that are better prepared are more effective in carrying out the duties of the Sentra Gakkumdu.

To increase the effectiveness of the Sentra Gakkumdu in the future, several corrective steps need to be taken. One of them is to improve the competence of human resources involved in handling election crimes through more intensive and thorough training. In addition, coordination between related institutions must be strengthened so that there are no overlapping tasks and so that the legal process can run more smoothly. A review of the time limit for case resolution is also important, given the complexity of cases that often require more time to ensure sufficient evidence and witnesses. On the other hand, existing regulations must be adjusted to be more responsive to the dynamics of election violations that occur in the field. Protection for whistleblowers and witnesses

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also needs to be improved, so that they feel more secure in providing the information needed for case resolution.

Overall, although the Sentra Gakkumdu has a very important role in handling election crimes, the system still faces various challenges that require serious attention and improvement in order to function more effectively in the future. Based on an interview with the Coordinator of the Violation Handling Division of the Central Lombok Bawaslu, the effectiveness of the Sentra Gakkumdu in handling election crimes at the district/city level during the 2024 General Elections and Pilkada is still not optimal. The main challenge faced is the different perspectives between Bawaslu, the Police and the Prosecutor's Office in assessing a violation event, which causes obstacles in coordination. In addition, the time limit for case resolution (7+7 days) is considered insufficient to optimally handle allegations of election crimes, especially in cases that require forensic testing of evidence. Evidentiary constraints are also a serious problem, where many witnesses do not dare to testify, and evidence is difficult to obtain due to the fear of supervisors to participate in securing evidence provided by election participants. Some cases that have strong evidence cannot be processed further due to regulatory and technical constraints, such as campaigns in places of worship and education that are not regulated in regulations, as well as the distribution of basic necessities that are constrained by social pressure on witnesses. Although the level of compliance of election participants with the legal process is quite good, the effectiveness of handling election crimes is still influenced by the social conditions of the community and the intensity of inter-agency coordination at the Gakkumdu Center. Public participation in reporting violations is quite active, but the quality of reports varies, often influenced by the interests of the reporter. On the other hand, the competence and number of personnel in the Sentra Gakkumdu is also a challenge, especially with the replacement of personnel who do not have experience so they are not very active in discussing cases. To increase the effectiveness of the Sentra Gakkumdu, it

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is necessary to improve regulations and routine activities to equalize inter-agency perceptions related to election crimes, because special crimes are often still seen from the perspective of general crimes, making it difficult to be processed to the decision stage.

Based on an interview with the Coordinator of the Violations Handling Division of Bawaslu Dompu Regency, the effectiveness of the Gakkumdu Center in handling election and regional election crimes in 2024 still faces various challenges that indicate that this mechanism is not yet fully effective. Although coordination between Bawaslu, the police and the prosecutor's office is considered quite good, the implementation of law enforcement is still hampered by unclear regulations, sanctions that are not sufficient to have a deterrent effect, and low public awareness of election violations. In terms of evidence, the weak quality of evidence and the lack of credible witnesses often hamper the legal process, such as in the case of alleged money politics in the 2024 Dompu Pilkada which could not be processed further due to technical constraints. In addition, although the time limit for case resolution (7+7 days) is considered sufficient, the effectiveness of law enforcement remains compromised by the limited quality of reports and witnesses' lack of understanding of election rules. Public participation in reporting violations is quite active, but has not fully impacted on increasing the effectiveness of law enforcement. With these various obstacles, the Gakkumdu Center still needs improvement, especially in terms of increasing human resource capacity, improving regulations, and proving mechanisms in order to be more optimal in cracking down on election and regional election violations.

Then based on an interview with the Coordinator of the Violation Handling Division of Bawaslu North Lombok Regency, the effectiveness of the Sentra Gakkumdu in handling election crimes in the 2024 General Elections and Pilkada is still not optimal. Some cases that should have been upgraded to the investigation stage were actually stopped at the investigation or second discussion stage. One of the main

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obstacles is coordination with the Police and the Prosecutor's Office, where often only members are present in case discussions without the presence of leaders such as the Chief of Police or the Chief Prosecutor.

The time limit for case resolution (7+7 days) is also considered inadequate, especially in geographically difficult areas such as mountainous regions, which make it difficult to collect evidence and witness testimony. The quality of evidence and witnesses remains a challenge, with some cases experiencing weaknesses due to changes in witness testimony or unclear sources of evidence. An example is the case of the distribution of (wearless) goods in Bayan Sub-district, which failed to be processed further because there were no witnesses who knew the source of the goods.

One of the more significant cases was the alleged campaigning in an educational setting by an honorary teacher, which could have been upgraded to the investigation stage. However, the case was discontinued due to concerns that witness testimony would change at trial. In addition, the response of election participants to the legal process carried out by the Gakkumdu Center was considered unsatisfactory, especially since several cases that went public ended without results.

The role of the public in reporting suspected electoral crimes remains ineffective, with low quality reports, lack of evidence, and weak witness testimony. An evaluation of the Sentra Gakkumdu personnel shows the need for capacity building, where members of the Police and Prosecutors' Office should be focused solely on Sentra Gakkumdu duties with no other additional duties. In addition, investigators assigned to the Sentra Gakkumdu are expected to have special electoral certification to maximize their ability to handle cases.

As a recommendation, a common perception is needed among members of the Gakkumdu Center as well as tiered and consistent training. Investigators who are placed must have certification in accordance with Perbawaslu guidelines, so that the election law enforcement process can run more effectively in the future. Based on the various

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studies above, it can be concluded that the Sentra Gakkumdu mechanism has not been effective in enforcing election law due to weaknesses in inter-agency coordination, complicated bureaucracy, and the potential for political intervention in the decision-making process. Therefore, a legal reconstruction is needed that gives full authority to Bawaslu as the only institution that handles the investigation, investigation and prosecution of election crimes, as has been applied in the Financial Services Authority (OJK), the Corruption Eradication Commission (KPK) and the Judicial Commission (KY) in handling cases in their respective fields. These reforms are essential to ensure that electoral laws are enforced independently, quickly and effectively, without bureaucratic obstacles that could undermine the principles of electoral justice.

Due to this ineffectiveness, it is evident that the existence of the Integrated Law Enforcement Center as stipulated in Articles 486-487 of Law Number 7/2017 on Elections is contrary to the principle of independence as referred to in Article 22e of the 1945 Constitution in Paragraph 5, because Bawaslu as one part of "a general election commission" as referred to in the paragraph does not run independently in carrying out its duties in handling election violations, especially election crimes.

4. CONCLUSION

The position and existence of the Integrated Law Enforcement Center in Handling Election Crimes in NTB Province is strategic and needs to be strengthened through increasing the capacity of inter-agency coordination, establishing more detailed standard operating procedures, and providing professional and trained human resources on an ongoing basis. In addition, it is necessary to conduct periodic evaluations of the Sentra Gakkumdu working mechanism to identify obstacles that arise in the field and improve the synergy between Bawaslu, the Police and the Prosecutor's Office. These efforts are important to ensure that the role of the Sentra Gakkumdu is not just a formality, but is truly able to guarantee speed, accuracy and legal certainty in handling election crimes.

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The effectiveness of the Gakkumdu Institution in handling election crimes in NTB Province is an aspect that needs to be improved through strengthening the position and authority of the General Election Supervisory Board as a single forum for handling Election Crimes. In addition, it is necessary to harmonize perceptions and legal interpretations between law enforcement institutions through coordination forums to prevent conflicts of authority.

4. REFERENCES

- Amsari, F. (2020). *Problematika Penegakan Hukum Pemilu di Indonesia*. Gadjah Mada University Press.
- Asshiddiqie, J. (2005). *Konstitusi dan Pemilu*. Sinar Grafika.
- Bawaslu RI. (2020a). *Laporan Penanganan Tindak Pidana Pemilu 2019*. Bawaslu RI.
- Bawaslu RI. (2020b). *Statistik Pelanggaran Pemilu 2019*. Bawaslu RI.
- Bawaslu RI. (2024). *Indeks Kerawanan Pemilu (IKP) 2024*.
- Bourdieu, P. (1986). The Forms of Capital. In *Handbook of Theory and Research for the Sociology of Education* (pp. 241–258). Greenwood Press.
- Dicey, A. V. (1885). *Introduction to the Study of the Law of the Constitution*. Macmillan.
- Hobbes, T. (2008). *Thomas Hobbes: Leviathan (Longman Library of Primary Sources in Philosophy)* (M. Missner (Ed.)). Routledge. <https://doi.org/10.4324/9781315507613>
- Jellinek, G. (1964). *General Theory of the State* (W. R. L. Burnett (Ed.)). Holt, Rinehart and Winston.
- Kelsen, H. (1967). *Pure Theory of Law [Reine Rechtslehre]*. University of California Press.
- Komisi Pemilihan Umum. (2019a). *Buku Panduan Pengawasan Pemilu 2019*. KPU RI.
- Komisi Pemilihan Umum. (2019b). *Panduan Penegakan Hukum Pemilu*. KPU RI.
- Machiavelli, N. (1532). *The Prince*. Florence.
- Montesquieu, C. de. (1949). *The Spirit of the Laws* (T. Nugent (Ed.)). Hafner Publishing.
- Nietzsche, F. (1888). *The Will to Power*. Alfred Kröner Verlag.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

North, D. (1990). *Institutions, Institutional Change, and Economic Performance*. Cambridge University Press.

Rahardjo, S. (2009). *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Genta Publishing.

Rohmah, S. (2021). Efektivitas Sentra Gakkumdu dalam Penegakan Tindak Pidana Pemilu di Indonesia. *Jurnal Hukum & Demokrasi*, 12(2).

Soekanto, S. (2011). *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. Rajawali Pers.

Transparency International. (2020). *Corruption Perceptions Index 2020*. Transparency International.

Transparency International Indonesia. (2020). *Laporan Transparansi Pemilu 2019*. TII.

William, L. R. (1996). Elections in New Order Indonesia. *Indonesia*, 21.

Wilson, J. Q. (1989). *Bureaucracy: What Government Agencies Do and Why They Do It*. Basic Books.